IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.P.BALACHANDRAN

FRIDAY, THE 30TH MARCH 2007 / 9TH CHAITHRA 1929

WP(C).No. 13255 of 2006(C)

OS.84/1993 of SUB COURT,THODUPUZHA

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PETITIONER:

JOSEPH, S/O.XAVIER, AGED 51 YEARS,
RESIDING AT VELLATHANAM HOUSE,
MANKULAMKARA VILLAGE,
DEVIKULAM TALUK, IDUKKI DISTRICT.

BY ADV. SRI.JOHNSON MANAYANI

RESPONDENT:

M.N.SIVAN, S/O.NARAYANAN,
MALIL HOUSE, MANKULAM VILLAGE AND
KARA, DEVIKULAM TALUK, IDUKKI DISTRICT.

BY ADV. SRI.UNNIKRISHNAN.V.ALAPATT

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 30/03/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.P. Balachandran, J.

W.P.(C)No. 13255 of 2006 C

JUDGMENT

The petitioner is the judgment debtor in O.S. No.84/93 on the file of the Sub Court, Thodupzha. In execution of the decree, the court below issued Rule 22 notice to the petitioner, to which he filed objection contending that the amount claimed is not correct and is excessive. The court, however, over-ruled the said objection observing that the contention is against the terms of the decree. It is worthy to note that on receipt of Rule 22 notice, the petitioner/judgment debtor is not entitled to raise any such objection, apart from objection, if any, to the executability of the decree. There being no objection to the executability of the decree, the decree was rightly allowed to be executed by the court below. Objection, if any, regarding the correctness of the amount, etc. is a matter to be considered by the

court below at the appropriate stage.

This writ petition, in the circumstances, is not maintainable and is, hence, dismissed.

30th March, 2007 (K.P.Balachandran, Judge)

tkv